

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**NORTHERN DIVISION**

**U.S.A. vs. John Burton Vick, Jr.**

**Docket No. 2:10-CR-1-1H**

**Petition for Action on Supervised Release**

COMES NOW Tuell Waters, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of John Burton Vick, Jr., who, upon an earlier plea of guilty to Wire Fraud in violation of 18 U.S.C. § 1343, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on August 9, 2010, to the custody of the Bureau of Prisons for a term of 30 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 3 years under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

John Burton Vick, Jr. was released from custody on June 18, 2012, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

The defendant signed a payment agreement with the probation office to submit monthly installments of \$100 beginning August 21, 2012, and each month thereafter until the total amount of restitution is paid. Vick was confronted in September 2012 for not making any payments and stated that he forgot and would become current. After failing to do so, the defendant was confronted in October 2012, at which time he agreed to send a payment. After not receiving a payment, Vick was confronted again in November 2012. The defendant maintained that he mailed a money order to the Clerk of U.S. District Court each month since August 2012. The defendant was instructed to provide the probation officer with money order receipts that he reportedly purchased. After failing to provide money order receipts, Vick was again confronted and finally acknowledged that he had not made a restitution payment and further admitted that he was untruthful with the probation office. On February 5, 2013, the defendant submitted a \$600 money order making his payments current. Vick was admonished for his violation conduct and committed to comply with his payment agreement of \$100 per month. It is therefore recommended, that the court modify the terms of supervised release to impose community service. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall perform 48 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

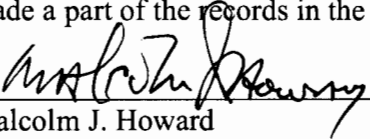
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield  
Dwayne K. Benfield  
Supervising U.S. Probation Officer

/s/Tuell Waters  
Tuell Waters  
U.S. Probation Officer  
201 South Evans Street, Room 214  
Greenville, NC 27858-1137  
Phone: 252-758-7200  
Executed On: February 13, 2013

**ORDER OF COURT**

Considered and ordered this 13th day of February, 2013, and ordered filed and made a part of the records in the above case.

  
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Malcolm J. Howard  
Senior U.S. District Judge